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Air Pollution Regulations in State Implementation Plans District of Columbia

Abcor Inc, Wilmington, MA Walden Div

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Office of Air Quality
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Air Pollution Regulations in State Implementation Plans:

District of Columbia

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16. ABSTRACT
This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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District of Columbia

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

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EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

DISTRICT OF COLUMBIA

Submittal Date	Approval Date	Description
1/29/73	10/23/73	Revised Graph for Particulate Matter
3/22/74	6/23/75	Regulations 8-2:702 and 8-2:707
3/22/74	9/28/77	Regulations 8-2:702 and 8-2:707
7/17/75	5/12/76	Regulations 8-2:709 and 8-2:724
2/25/76	12/6/76	Regulations 8-2:709 and 8-2:705

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52.478	Regulation for Review of New or Modified Indirect Sources
52.479	Source Surveillance
52.488	Regulation for the Control of Evaporative Losses from the Filling of Vehicular Tanks
52.490	Inspection and Maintenance Program
52.491	Bicycle Lanes and Bicycle Storage Facilities
52.492	Medium Duty Air/Fuel Control Retrofit
52.493	Management of Parking Supply
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(2.0) Section 8-2:701. PURPOSE AND SCOPE

Purpose. The purpose of this regulation is to prevent or minimize emissions as defined herein into the atmosphere and thereby protect and enhance the quality of the District's air resources so as to promote the public health and welfare of the people of the District of Columbia, and to enhance and improve the environment.

Scope. This regulation shall apply to all operations in the District, including Federal operations, where consistent with the terms of the Clean Air Act (42 U.S.C. Sections 1857 to 1857 1), as amended, and regulations promulgated thereunder, the District of Columbia Air Pollution Control Act (D.C. Code, § 6-811 to 6-813), and Executive Order No. 11507, February 4, 1970 (35 F.R. 2573) entitled, "Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities".

(1.0) Section 8-2:702. DEFINITIONS.

As used in this regulation, the following terms shall have the meaning ascribed unless the context clearly indicates a different meaning:

Act: The District of Columbia Air Pollution Control Act (82 Stat. 458; D.C. Code, § 6-811 to 6-813; Public Law 90-440).

Air Pollutant: Dust, fumes, gas, mist, smoke, vapor, odor, particulate matter, or any combination thereof, except that such term shall not include uncombined water in the atmosphere unless it presents a safety hazard.

Air Pollution: The presence in the outdoor atmosphere of one or more air pollutants in sufficient quantities and of such characteristics and duration as are likely to be injurious to public welfare, to the health of human, plant or animal life, or to property, or which interferes with the reasonable enjoyment of life and property.

Air Quality Standard of the District of Columbia: The primary or secondary ambient air quality standard adopted by the Commissioner, and approved by the Environmental Protection Agency of the United States (EPA).

Commissioner: The Commissioner of the District of Columbia, or his designated agents.

Control Device: Any device which has as its primary function the control of emissions from fuel burning, refuse burning, or from a process, and thus reduces the creation of, or the emission of, air pollutants into the atmosphere, or both.

District: The District of Columbia.

Dry Cleaning Operation: The process by which an organic solvent is used in the commercial cleaning of garments and other materials.

Emission: The act of releasing or discharging air pollutants into the outdoor atmosphere from any source.

Episode Stage: A level of air pollution in excess of the ambient air quality standard which may result in an imminent and substantial danger to public health or welfare. This term shall include alert, warning, and emergency stages.

Existing Source: Equipment, machines, devices, articles, contrivances, or installations which are under construction or in operation on the effective date of this regulation, except that any existing equipment, machine, device, article, contrivance, or installation which is altered, replaced, or rebuilt after the effective date of this regulation shall be defined as a new source.

Fossil Fuel: Natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.

Fossil Fuel Fired Steam Generating Unit: A furnance or boiler, or combination of furnaces or boilers connected to a common stack, used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

Fuel Burning Equipment: Any furnance, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

Fugitive Dust: Solid, airborne particulate matter emitted from any source other than through a stack.

Gasoline: Any petroleum distillate having a Reid vapor pressure of four (4) pounds or greater.

Incinerator: Any furnace used in the process of burning solid waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

Loading Facility: Any aggregation or combination of gasoline loading equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

Modification: Any physical change in, or change in the method of operation of, a stationary source which increases, or decreases the amount of any air pollutant emitted by such facility, or which results in the emission of any air pollutant not previously emitted, except that such term shall not include the following:

(a) Routine maintenance, repair, replacement;

(b) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;

(c) An increase in hours of operation, if such increase does not exceed the operating design capacity of the facility;

(d) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to such facility, the affected facility is designed to accommodate such alternative use.

Multiple Chamber Incinerator: Any incinerator consisting of three or more refractory lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be furned. The combustion chamber shall include as a minimum, one chamber principally for ignition, one chamber principally for mixing, and one chamber for combustion.

New Source: Equipment, machines, devices, articles, contrivances, or installations built or installed on or after the effective date of this regulation, or existing at such time which are later altered, repaired, or rebuilt. Any such equipment, machines, devices, articles, contrivances, or installations, moved to a new address, or operated by a new owner, or a new lessee, after the effective date of this regulation, shall be considered a new source.

Odor: The property of an air pollutant which affects the sense of smell.

Opacity: A state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

Organic Solvents: Volatile organic compounds which are liquids at standard conditions, and which are used as dissolvers, viscosity reducers, or cleaning agents.

Particulate Matter: Any finely divided material which exists as a liquid or solid under standard conditions, with the exception of uncombined water.

Person: Includes individuals, firms, partnerships, companies, corporations, trusts, associations, organizations, or any other private or public entitles.

Photochemically Reactive Solvent: Any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent.

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: five percent;

(ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: eight percent;

(iii) A combination of ethylbenzene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: twenty percent.

Process: Any action, operation, or treatment of materials, including handling and storage thereof, which may cause the discharge of an air pollutant or pollutants, into the atmosphere, excluding fuel burning and refuse burning.

Process Weight: The total weight in pounds of all materials introduced into any specific process.

Process Weight Per Hour: The process weight divided by the number of hours in one complete operation, excluding any time during which equipment is idle.

Smoke: Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes, or other combustible material.

Solid Waste: Refuse, more than 50 percent of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles, and noncombustible materials such as glass and rock.

Source: Any property, real or personal, which emits or may emit any air pollutant.

Stack: Any chimney, flue, conduit, or duct arranged to conduct emissions to the outdoor atmosphere.

Standard Conditions: A dry gas temperature of 70° Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

Stationary Source: Any building, structure, facility, or installation which emits or may emit air pollutants.

Submerged Fill Pipe: Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. This term shall also include, when applied to a tank which is loaded from the side, a fill pipe adequately covered at all times during normal working of the tank.

Volatile Organic Compounds: Any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

(1.0) Section 8-2.703. ABBREVIATIONS. As used in this regulation, the following abbreviations shall have the meaning described below:

B.T.U. - British thermal unit.
cal. - calorie(s).
CO - Carbon Monoxide.
g. - gram(s).
lb. - pound(s).
No. - number.
% - percent.
NO_2 - Nitrogen Dioxide.
SO_2 - Sulphur Dioxide.
hr. - hour(s).
ppm - parts per million.
Hi-Vol. - high volume samples.
COH_s - coefficient of haze.
ug/m^3 - microgram(s) per cubic meter.
° - degree.
max. - maximum.
U.L. - Underwriters Laboratories located at
207 East Ohio Street
Chicago, Illinois 60611

(50.2) Section 8-2:704. USE OF CERTAIN FUEL OILS FORBIDDEN.

No person shall purchase, sell, offer for sale, store, transport, use, cause the use of, or permit the use of, fuel oil which contains more than 1% sulfur by weight in the District, if such fuel oil is to be burned in the District.

After the end of the twelfth complete month occurring immediately after the effective date of the Air Quality Ammendment No. II - relating to the Sulfur Content of Fuels Act, the sulfur content of such fuel oil shall not exceed 0.5% by weight.

(50.2) Section 8-2:705. USE OF CERTAIN COAL FORBIDDEN.

No person shall purchase, sell, offer for sale, store, transport, use, cause the use of, or permit the use of coal which contains more than 1% sulfur by weight in the District, if such coal is to be burned in the District. On and after the end of the twelfth complete month occurring immediately after the effective date of the Air Quality Ammendment No. II - relating to the Sulfur Content of Fuels Act, the sulfur content of such coal shall not exceed 0.5% by weight: Provided, that when the Commissioner certifies in writing that the combustion-gas-desulfurization system used at a stationary source results in sulfur oxide emission no greater than the emissions normally resulting from the burning of coal with 1% sulfur content and, after the end of the twelfth complete month

occurring immediately after the effective date of the Air Quality Ammendment No. II - relating to the Sulfur Content of Fuels Act, the sulfur content of such coal shall not exceed 0.5% sulfur content, coal of a higher sulfur content may be burned at such stationary source. Application for a certification shall be made in writing to the Commissioner by the owner or operator of such stationary source and, upon presentation to a seller of such certification, a copy of which shall be retained by the seller, the sale, purchase, and transportation of such coal shall be permitted.

(50.3) Section 8-2:706. NITROGEN OXIDE EMISSIONS.

(a) Designation of Affected Facilities. This section shall apply to fossil fuel-fired steam generating units of more than 100,000,000 B.T.U. per hour heat input.

(b) Standard of Nitrogen Oxides. No person shall discharge, or cause the discharge into the atmosphere of nitrogen oxides in excess of the emission limits set forth hereinafter in Appendix No. 3.

(50.4) Section 8-2:707. CONTROL OF ORGANIC COMPOUNDS.

(a) Storage of Petroleum Products. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices in good working order and in operation.

(1) A floating roof, consisting of a pontoon type or doubledeck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(3) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Commissioner.

(b) Volatile Organic Compounds or Gasoline Loading into Tank Trucks, Trailers and Railroad Tank Cars. A person shall not load volatile organic compounds or gasoline into any tank truck, trailer, or railroad tank car from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent in good working order and in operation. When loading is effected through the hatches of a tank truck, trailer, or railroad tank car with a loading arm equipped with a vapor collecting adaptor, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid drainage from the loading device when it is removed from the hatch of any tank truck, trailer, or railroad tank car, or to accomplish complete drainage before such removal.

When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

The vapor disposal portion of the system shall consist of one of the following:

(1) A vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system.

(2) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from tank trucks, trailers and railroad tank cars being loaded.

(3) Other equipment of at least 90 percent efficiency, provided such equipment is submitted to and approved by the Commissioner.

(c) Volatile Organic Compounds or Gasoline Transfer Vapor Control.

(1) No person shall transfer volatile organic compounds or gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(A) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight (dry break) vapor return line from the storage container to the delivery vessel and system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(B) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be adapted to retrofit with an absorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with Section 8-2:707 (d).

(C) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent which can recover at least 90 percent by weight of the organic compounds in the vapor displaced from the delivery vessel during refilling.

(2) The provisions of this paragraph (c) shall not apply to the following:

(A) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph; provided, however, said containers are equipped with submerged fill pipes.

(B) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(3) Compliance Schedule:

Every owner or operator of a stationary storage container or delivery vessel subject to this section paragraphs (a), (b), and (c) herein shall meet the following compliance schedule:

(A) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Commissioner no later than 45 days following the effective date of this section.

(B) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Commissioner within five days of the date compliance is achieved.

(4) Any owner or operator of a source subject to paragraphs (a), (b), and (c) of this section may, not later than 45 days following the effective date of this section, submit to the Commissioner for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraphs (a), (b), and (c) of this section as expeditiously as practicable but no later than June 30, 1974. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to:

(A) Submittal of final control plan to the Commissioner;

(B) Letting of necessary contracts for construction process of changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification;

(C) Initiation of on-site construction or installation of emission control equipment or process modification;

(D) Final compliance.

(5) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within five days after deadline for each increment of progress certify to the Commissioner whether or not the required increment of the approved compliance schedule has been met.

(d) Control of Evaporative Losses from the Filling of Vehicular Tanks:

(1) No person shall transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(A) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle.

(B) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered.

(C) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(2) The system referred to in paragraph (d) (1) of this section may consist of a vapor-tight return line from the fill nozzle filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(3) Components of the systems required by paragraph (c) of this section can be used for compliance with paragraph (d) (1) of this section.

(4) If it is demonstrated to the satisfaction of the Commissioner that it is impractical to comply with the provisions of paragraph (d) (1) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (d) (1) of this section.

(5) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule:

(A) January 1, 1975 - Submit to the Commissioner a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (d) (1) of this section.

(B) March 1, 1975 - Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(C) May 1, 1975 - Initiate on-site construction or installation of emission control equipment.

(D) May 1, 1977 - Complete on-site construction or installation of emission control equipment or process modification.

(E) May 31, 1977 - Assure final compliance with the provisions of paragraph (d) (1) of this section.

(F) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Commissioner within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met. (Note: Dates given in (5) (A), (B), and (C) have been suspended until further notice.)

(6) Paragraph (d)(5) of this section shall not apply:

(A) To a source which is presently in compliance with paragraph (d) (1) of this section and which has certified such compliance to the Commissioner by January 1, 1975. The Commissioner may request whatever information he considers necessary for proper certification.

(B) To a source whose owner or operator submits to the Commissioner by June 1. 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Commissioner such schedule shall satisfy the requirements of this paragraph for the affected source.

(e) Dry Cleaning Operation:

(1) No person shall operate a dry cleaning operation using other than perchloroethylene, 1, 1, 1-trichloroethane, or saturated halogenated hydrocarbons unless the uncontrolled organic emissions from such operation are reduced at least 85 percent; provided that dry cleaning operations emitting less than three pounds per hour and less than 15 pounds per day of uncontrolled organic materials are exempt from the requirement of this section.

(2) If incineration is used as a control technique, 90 percent or more of the carbon in the organic emissions being incinerated must be oxidized to carbon dioxide.

(3) Any owner or operator of a source subject to this section shall achieve compliance with the requirements of paragraph (1) (1) of this section by discontinuing the use of photochemically reactive solvents no later than April 1, 1974, or by controlling emissions as required by paragraphs (1) and (2) of this section no later than May 31, 1975.

(f) Organic Solvents:

(1) No person shall discharge into the atmosphere more than 15 pounds of photochemically reactive solvents in any

one day, no more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent.

(2) No person shall discharge into the atmosphere more than 40 pounds of non-photochemically reactive solvents in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent. Dry cleaning operations are exempt from the requirements of this paragraph.

(g) Pumps and Compressors. All pumps and compressors handling volatile organic compounds shall have mechanical seals or other equivalent equipment approved by the Commissioner.

(h) Waste Gas Disposal from Ethylene Producing Plant. No person shall cause, suffer, or allow the emission of a waste gas stream from any ethylene producing plant, or source utilizing ethylene as a raw material, into the atmosphere in excess of 20 pounds per 24-hour period, unless the waste gas stream is properly burned at 1,300° Fahrenheit for 0.3 of a second or longer in a direct-flame after-burner, or is removed by a method of comparable efficiency approved by the Commissioner.

(i) Waste Gas Disposal from Vapor Blow-Down System. No person shall emit hydrocarbon gases into the atmosphere from a vapor blow-down system, unless these gases are burned by smokeless flares, or an equally effective control device approved by the Commissioner, but this subsection shall not apply to accidental or emergency emissions of hydrocarbons needed for safe operation of equipment and processes.

(51.5) Section 8-2:708. FUEL BURNING PARTICULATE EMISSION.

No person shall cause, suffer, or allow to be emitted into the outdoor atmosphere from any fuel-burning equipment or premises, or to pass from a stack, particulate matter in flue gases which exceeds 0.13 pounds per 1,000,000 B.T.U. per hour total input. For installations using more than 3,500,000 B.T.U. per hour total input, the particulate emission limitation shall decrease as the rate of heat input increases, according to the scales in Figure No. 1, contained hereinafter in Appendix No. 1.

(51.9) Section 8-2:709. INCINERATORS.

(a) Single Chamber and Flue-Fed Incinerators. The use of single chamber and flue-fed incinerators is prohibited. No person shall be permitted to use an incinerator unless it is of multiple chamber design, and otherwise in compliance with this regulation.

(b) Incinerators Built Before Prohibition is Effective. No person shall commence operation of any new incinerator after enactment of this regulation which emits more than 0.03 grains of particulate matter per standard dry cubic foot of exhaust gas (maximum two-hour average) corrected to 12% carbon dioxide.

(c) Existing Incinerators. After July 4, 1973, no person shall continue use of any incinerator which is in existence at the time of enactment of these regulations which incinerator is of more than 400 pounds per hour capacity, or which emits more than 0.08 grains of particulate matter per standard dry cubic foot of exhaust gas (maximum two-hour average) corrected to 12% carbon dioxide.

(d) New Incinerators Prohibited. After July 4, 1975, no new incinerator shall commence operation except where the Commissioner shall find that any other system of waste disposal would endanger the public health.

(e) District Owned Incinerator. The District facility known as Solid Waste Reduction Center No. 1 shall be operated so as not to discharge into the atmosphere particulate matter which is in excess of .08 grains of particulate matter per standard dry cubic foot of exhaust gas (maximum two-hour average) corrected to 12% carbon dioxide.

(f) Hours of Operation. No person shall operate or cause or permit the operation of any incinerator at any time other than between the hours of 10:00 a.m. and 4:00 p.m. This restriction shall not apply to incinerators having a refuse-burning capacity of five (5) tons per hour or more.

(50.1.1) Section 8-2:710. PROCESS EMISSIONS.

(a) Particulates. No person shall cause, suffer, or allow discharge of particulate matter into the atmosphere from any process which exceeds the emission limits set forth in the table contained hereinafter as Appendix No. 2. On and after July 1, 1972, such allowable limits shall not exceed 0.03 grains per standard dry cubic foot of exhaust gas. Where the process or the design of equipment is such as to permit more than one interpretation of this section, the interpretation that results in the minimum value of allowable emissions shall apply. Adding diluted air to the exhaust gas stream for the purpose of complying with the provisions of this subsection is prohibited.

(b) Sulfur Oxides. No person shall cause, suffer or allow discharges into the atmosphere of sulfur oxides calculated as sulfur dioxide, in excess of 0.05% by volume.

(51.13) Section 8-2:711. OPEN BURNING.

(a) Prohibition of Open Burning. Except as otherwise provided by subsection (b), no person shall ignite, cause to be ignited, permit to be ignited, or maintain, any open fire.

(b) Exceptions. Open fires may be permitted for one or more of the following reasons or purposes:

(1) The performance of an official duty by any public health or public safety officer, after notification to the Commissioner;

(2) Prevention of a fire hazard which cannot be abated by other means;

(3) Instruction of public fire fighters under the supervision of a designated fire marshal;

(4) Recreational purposes, including the cooking of food for human consumption on other than commercial premises; or

(5) Providing warmth for construction or other workers by use of Salamander heaters or other heating devices approved by the Commissioner.

(50.1.3) Section 8-2:712. CONTROL OF FUGITIVE DUST.

No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building its appurtenances, or a road, to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but are not limited to, the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials, stockpiles, or other surfaces which can create airborne dusts;

(c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, and employment of adequate containment methods during sandblasting or similar operations;

(d) Covering, at all times when in motion, the contents of open bodied trucks transporting materials likely to become airborne;

(e) Paving of roadways and their maintenance in a clean condition; and,

(f) Prompt removal of earth or other material from a paved street, where the earth or other material has been transported thereto or accidentally deposited by trucking or earth moving equipment or erosion by water.

(50.1.2) Section 8-2:713. VISIBLE EMISSIONS.

Except as otherwise provided in this regulation, no person shall cause, suffer or allow to be emitted into the outdoor atmosphere, visible emissions from stationary sources: Provided, That discharges not exceeding 20% opacity shall be permitted for 2 minutes in any 60 minute period and for an aggregate of 12 minutes in any 24 hour period until August 31, 1973. These discharges shall be allowed only for "start-up", cleaning, soot blowing, and/or adjusting combustion controls of boilers. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this section, this section shall not be applicable. The provisions of this section shall not apply to visible emissions from interior fireplaces, or from sources set forth in Section 8-2:711(b).

(12.0) Section 8-2:714. EXHAUST EMISSIONS.

(a) Gasoline Powered Motor Vehicles. No person shall cause, suffer, or allow visible smoke emissions from the engines or exhaust systems of gasoline powered motor vehicles.

(b) Diesel Powered Motor Vehicles. No person shall cause, suffer, or allow visible smoke emissions from the engines or exhaust systems of disel powered motor vehicles, except that emissions of 20% equivalent opacity shall be permitted not more than 5 consecutive seconds.

(c) Engine Idling. No person, nor his servants or agents, shall cause, suffer, permit or allow the engine of a gasoline, or disel powered motor vehicle including private passenger vehicles, on public or private space to idle for more than 3 minutes while such motor vehicle is parked, stopped or standing, except as follows:

(1) To permit the operation of power takeoff equipment such as, but not limited to dumping, cement mixers, refrigeration systems, content, delivery, winches or shredders.

(2) To permit the operation for 15 minutes of air conditioning equipment on buses with an occupancy of 12 or more persons.

(3) To permit the operation of heating equipment when the local temperature is 32° Fahrenheit or below.

(d) Lead Content Reduction. After July 4, 1974, all gasoline service stations shall offer for sale at least one grade of regular gasoline which contains no more than .03 gram of lead per gallon.

After January 1, 1974 no gasoline containing more than 2.0 grams of lead per gallon shall be sold. After January 1, 1976 no gasoline containing more than 1.0 grams of lead per gallon shall be sold.

(50.6) Section 8-2:715. ODOROUS OR OTHER AIR POLLUTANTS.

(a) Injurious Pollutants. No person shall cause, suffer, or allow an emission into the atmosphere of odorous or other air pollutants from any source in such quantities and of such characteristics and duration as is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property.

(b) Odor Violations. The emission of an odor shall be deemed a violation when after separate complaints of 3 or more persons:

(1) The Commissioner using the Barnebey-Cheney Scentometer at Number 1 odor strength detects an odor; or

(2) The Commissioner using any other device approved by him as an effective instrument in the detection of odors, records an odor.

(7.0) Section 8-2:716. CONTROL DEVICES AND PRACTICES.

(a) Motor Vehicles. No person shall remove or cause, or permit to become inoperative or ineffective devices installed by motor vehicle manufacturers for the purpose of controlling emissions or otherwise complying with law.

(b) Stationary Sources. No person shall remove, or cause, or permit to become inoperative or ineffective devices or practices provided for the control of air pollutants discharged from stationary sources, or otherwise complying with law.

(1) Shutdown of Stationary Source Control Equipment. Whenever it is necessary to shut down air pollution control equipment for periodic maintenance, the owner or operator of such equipment shall report the planned shutdown to the Commissioner at least 48 hours prior thereto. Such prior notice shall include, but is not limited to, the following:

A. Identification of the specific facility to be taken out of service as well as its location and permit number;

B. The expected length of time that the air pollution control equipment will be out of service;

C. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;

D. Measures that will be taken to minimize the length of the shutdown period; and

E. The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

(2) Notification by Commissioner. The Commissioner shall by notice to the owner or operator permit the continued operation of the stationary source for the time period proposed, or for such lesser time as he deems reasonable, or he may order the owner or operator to discontinue operation of the stationary source until the maintenance is completed, or the malfunctioning equipment is repaired.

(13.0) Section 8-2:717. RECORDS, REPORTS, AND MONITORING DEVICES.

(a) Reporting of Information Upon Request of Commissioner. The Commissioner may require any person engaged in operations which may result in air pollution or the handling of products the use of which may result in air pollution to file with the Commissioner written reports containing information as to:

(1) Location and description of source;

(2) The chemical composition, physical properties, and the amount of any material used; and

(3) Such other information as the Commissioner shall require for the enforcement of this regulation.

(b) Required Records and Periodic Reports. The owner or operator of a stationary source which emits 25 tons or more per year of any air pollutant shall maintain written records of the nature and amount of emissions of such source. Such records shall include, (1) emission data derived from stationary source monitoring and measuring devices required by subsection (c) of this section, and (2) the results of sampling of emissions, showing sampling methods and procedures used. Such records shall be made available to the Commissioner during regular business hours.

(c) Monitoring Devices. The Commissioner shall require the owner or operator of a stationary source which emits more than 100 tons per year of any air pollutant to install, maintain, and operate, at the expense of said owner or operator, such stationary source monitoring devices as may be necessary to enable such owner or operator and the Commissioner to determine whether the source is being, or will be operated in compliance with all applicable air pollution standards, regulations, and laws. Monitoring information shall be supplied as the Commissioner may require in accordance with subsection (a) of this section.

(d) Prohibited Devices. No person shall install or use any article, machine, equipment, device, or other contrivance which conceals an emission from any source.

(9.0) Section 8-2:718. SAMPLING, TESTS, AND MEASUREMENTS.

(a) General. The Commissioner may conduct or cause to be conducted, or require an owner or operator to conduct, tests of emission of air pollutants from any source. Upon request to the Commissioner, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities as may be necessary for proper determination of the emission of air pollutants. The Commissioner may take or cause to be taken samples of fuel by any appropriate means, in such quantities as he feels are necessary for purposes of determining compliance with this regulation.

(b) Particulate Matter. Stack tests for particulate matter shall be undertaken by generally recognized standards or methods of measurement. Methods found in the American Society of Mechanical Engineers Test Code for Determining Dust Concentration in Gas Streams, PTC-27-1957, and the Los Angeles County California Source Testing Manual shall be used, but such methods may be modified or adjusted by the Commissioner to suit specific sampling conditions or needs based upon good practice, judgment, and experience.

(c) Sulfur. The method for determining the sulfur content of fuel oil shall be that described in the American Society for Testing and Materials publication, D-129-64, "Standard Method of Test for Sulfur in Petroleum Products and Lubrications by the Bomb Method". The method for determining the sulfur content of coal shall be that described in the American Society for Testing and Materials publication, D-271-64, "Laboratory Sampling and Analysis of Coal and Coke." Equivalent methods may be approved by the Commissioner.

(d) Visible Emissions. The Ringelmann Smoke Chart published and described in the United States Bureau of Mines Information Circular 8333, or any other chart, recorder, indicator or device approved by the Commissioner for the measurement of plume density shall be used in determining the grade of shade or opacity of visible air contamination emissions.

(e) Odor.

(1) Odor measurements shall be made with a scentometer, such as that manufactured by the Barnebey-Cheney Company, or by any device approved by the Commissioner as an effective instrument in the detection of odor.

(2) The odor strength as detected by the Barnebey-Cheney Scentometer is that number corresponding to the maximum dilution when an odor is preceived on the following basis:

Number	Odor-Bearing Air		Odor-Free Air
1	1 part	to	1 part
2	1 part	to	2 parts
3	1 part	to	8 parts
4	1 part	to	32 parts
5	1 part	to	128 parts

(f) Availability of Publications. The publications cited in this section shall be kept on file at the office of the Director of the Department of Environmental Services and shall be available for public inspection.

(16.0) Section 8-2:721. COMPLAINTS AND INVESTIGATIONS.

(a) Complaints. Any person may complain to the Commissioner about air pollution conditions, violations of the Act, or violations of rules, regulations, orders, or determinations of the Commissioner. The complaint shall provide the following information:

(1) The location, or source of the condition, or alleged violation;

(2) The name and address of the party controlling the location or source, if known; and

(3) The factual basis for the complaint.

(b) Investigations. The Commissioner shall be responsible for investigation of such complaints.

(16.0) Section 8-2:722. INSPECTION.

The Commissioner is authorized to make such inspections of premises and records of operation as may be necessary for the enforcement of the Act and this regulation.

(15.0) Section 8-2:723. ORDERS FOR COMPLIANCE.

Whenever the Commissioner has reason to believe that a violation of the Act or this regulation or rules made pursuant to either has occurred, he shall cause written notice to be served upon the alleged violator. The notice shall specify the provision of the law, regulation or rule alleged to be violated, the facts alleged to constitute a violation thereof, and shall order that necessary corrective action be taken within a reasonable time. Nothing in this section shall be construed to prevent the Commissioner from initiating appropriate action for the recovery of a penalty pursuant to Section 8-2:726, or from seeking enforcement of this regulation by injunctive relief or other appropriate remedy.

(5.0) Section 8-2:724. VARIANCES.

(a) General Conditions.

(1) Any person required to perform an act by this regulation may be excused by the Commissioner from the performance of such act, either in whole or in part, upon a finding by the Commissioner that the full performance of such act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or the impracticability of bringing such activity into full compliance with the requirements of this regulation: Provided, That a variance may be granted only where, and to the extent necessary to ameliorate such exceptional or undue hardship, and only when compensating factors are present which are adequate protection to the public health or welfare, and assure that the intent and purpose of the act, and this regulation, are not impaired. Such person shall submit a written request for a variance setting forth the nature of the act required to be performed, the exceptional or undue hardship which would result from its performance, and any variance from the terms of the notice and requirements of this regulation which he may seek. Such request for a variance shall be filed with the Commissioner within the period specified in the order for compliance.

(2) A variance is hereby granted for the operation of diesel locomotives on common carrier railroads in the District of Columbia.

(b) Publication in the D.C. Register. All requests for variances shall be published in the District of Columbia Register, at the expense of the applicant, if over $5, at least 30 days before the Commissioner rules on the request. The published notice shall briefly set forth the information contained in the applicant's written request. Any person may submit comments on the application within 30 days of the published notice.

(c) Commissioner to Maintain Written Record of Action on Requests. The Commissioner shall maintain a written record of all variances granted and denied. The record shall include all bases for the grant or denial, and shall be available for public inspection.

(d) Length of Variance. No variance shall be granted for more than one year, and may be renewable annually if the Commissioner finds that the intent and purpose of the Act and this regulation are not impaired. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. The requirements of subsection (b) shall apply in cases of renewal.

(e) Operation While Variance Request Pending. Nothing in this section shall be construed to permit any operation in violation of this regulation during the pendency of a request for a variance.

(f) Operation During Emergency. Nothing in this section, and no variance or renewal granted pursuant hereton, shall be construed to prevent or limit the application of the emergency provisions and procedures of Section 8-2:719 of this regulation to any person or his property.

(16.0) Section 8-2:725. HEARINGS.

(a) Right to Hearing. Except as otherwise provided in this regulation, any person aggrieved by any adverse action of the Commissioner may have review thereof by the Commissioner in accordance with the District of Columbia Administrative Procedure Act. In administration of the hearing the Commissioner may require the production of persons, papers and materials under subpoena as is set forth in D.C. Code Section 1-237.

(b) Request for Hearing. A request for a hearing to review adverse action proposed by the Commissioner shall be made in writing within 15 days following notification to the aggrieved person of the contemplated action and of his right to a hearing with respect to such action.

(c) Failure to Request Hearing or Appear at Hearing. Upon failure by an aggrieved person to request a timely hearing, or failure of such party to appear at a scheduled hearing for which no continuance has been or is granted, the Commissioner may without a hearing take the action contemplated in the notice.

(d) Alternative Remedies. Nothing in this section shall be construed to prevent the Commissioner from initiating appropriate action for the recovery of a penalty pursuant to Section 8-2:726 of this regulation, or from seeking enforcement by injunctive relief or other appropriate remedy during the pendency of a review proceeding.

(15.0) Section 8-2:726. PENALTY.

(a) Any person who fails to comply with any provision of this regulation, or who refuses, interferes with, or prevents any inspection authorized by this regulation shall be punished by a fine not to exceed $300 or imprisonment not to exceed 90 days, or both. In the event of any violation of, or failure to comply with, this regulation, each and every day of such violation, or failure, shall constitute a separate offense and the penalties described herein shall be applicable to each such separate offense.

(b) Any person, other than a District employee who shall furnish material and substantial evidence leading to the payment of a fine or the forfeiture of collateral imposed under this regulation shall be paid subject to appropriation one-half of each such fine or forfeiture unless the Commissioner or a court of competent jurisdiction shall so otherwise direct. This section shall not be so construed as to create any right to the proceeds of any such

fine or forfeiture. No person shall receive more than $1,000 total in any given 12 months under this subsection.

(14.0) Section 8-2:727. PUBLIC DISCLOSURE OF RECORDS AND INFORMATION: CONFIDENTIALITY.

Emission data secured as the result of this regulation, or other provisions of law shall be correlated with applicable emission limitations or other control measures and shall be available for public inpsection during regular business hours or by appointment at the offices of the air quality control agency.

Information, other than emission data, which relates to production, sales figures, or processes of any owner or operator, shall not be disclosed publicly upon finding by the Commissioner that to do so will result in a significant and adverse effect upon the competitive position of such owner or operator; except in or following public hearing, or except as may be necessary to protect the public health, safety or well-being. Nothing herein shall be construed to prevent the use of such records or information by the Commissioner in compiling or publishing analyses, or summaries relating to the general condition of the outdoor atmosphere: Provided, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section.

(9.0) Section 8-2:728. AIR POLLUTION MONITORING.

(a) By February 1, 1973 the Commissioner shall establish a simplified, daily, public reporting index of air pollution levels in the District of Columbia. Such an index shall indicate the levels of pollutant which he determines the public should be informed. Such index shall also include a statement of the air quality levels within approximately a two mile radius from the White House as well as within any other geographic area he may determine should be reported. In adopting an index the Commissioner shall coordinate his efforts as closely as possible with the Metropolitan Washington Council of Governments to insure a uniform regional system of air quality levels reporting.

(b) By February 1, 1973 the Commissioner shall report to the District of Columbia Council the status of the air quality monitoring system within the District and that system's relationship to such monitoring systems in the region. The report shall indicate the number and location of permanent air quality monitoring stations in the District, the number of average spot checks within a given month, and the types of pollution monitored in each instance. The report shall also state the goals for a District of Columbia air quality monitoring system and the timetable and cost for achieving that goal.

(2.0) Section 8-2:729. CONSTRUCTION OF REGULATION.

All regulations and parts of regulations in effect in the District which are inconsistent with the provisions of this regulation are hereby superseded with respect to matters covered by this regulation.

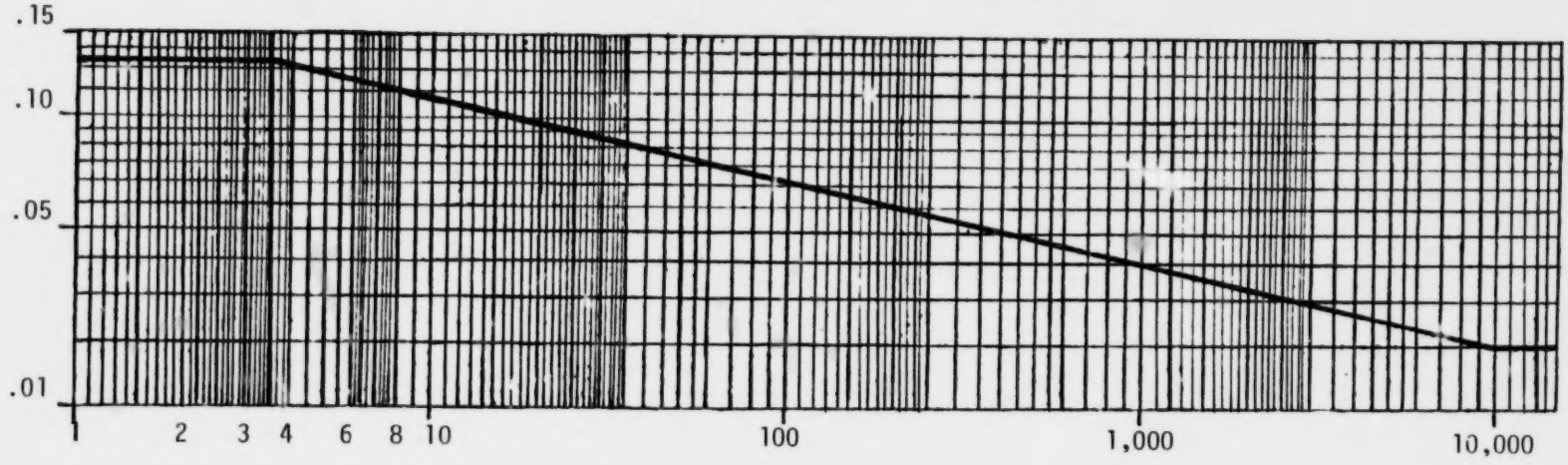
(2.0) Section 8-2:730. INDEPENDENCE OF SECTIONS.

Each section and every part of each section of this part is declared independent of every other section or part thereof, and the finding or holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

(2.0) Section 8-2:731. EFFECTIVE DATE.

Except as otherwise provided, this regulation shall be effective immediately.

APPENDIX NO. 1 FIGURE NO. 1 (Revised)



H = TOTAL HEAT INPUT IN MILLIONS OF BTU PER HOUR

E = MAXIMUM EMISSION IN POUNDS OF PARTICULATE MATTER PER MILLION BTU HEAT INPUT

H (10^6 BTU/HR.)	E (#/10^6 BTU)
3.5	0.13
10	0.10
100	0.07
1,000	0.04
10,000	0.02

APPENDIX NO. 2
TABLE

Process Weight Per Hour in Pounds	Maximum Weight of Particulate Discharge Per Hour in Pounds	Process Weight Per Hour in Pounds	Maximum Weight of Particulate Discharge Per Hour in Pounds
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.76	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3
3000	5.10	50000	34.3
3100	5.18	60000	40.0
3200	5.27	or	
3300	5.36	more	

*Where the process weight per hour falls between two values in the table, the maximum weight per hour shall be determined by linear interpolation.

APPENDIX NO. 3

EMISSION LIMITS FOR NITROGEN OXIDE

Emission limits for nitrogen oxide in fossil fuel fired steam generating units of more than 100,000,000 B.T.U. per hour heat input are as follows:

(a) 0.20 lb. per million B.T.U. heat input (0.36 g. per million cal.), maximum 2-hour average, expressed as NO_2, when gaseous fossil fuel is burned.

(b) 0.30 lb. per million B.T.U. heat input (0.54 g. per million cal.), maximum 2-hour average, expressed as NO_2, when liquid fossil fuel is burned.

(c) 0.70 lb. per million B.T.U. heat input (1.26 g. per million cal.), maximum 20-hour average, expressed as NO_2, when solid fossil fuel (except lignite) is burned.

(d) When different fossil fuels are burned simultaneously in any combination the applicable standard shall be determined by proration, according to the following formula:

$$\frac{x\ (0.20) + y\ (0.30) + (0.70)}{x + y + z}$$

x is the percent of total heat input derived from gaseous fossil fuel;

y is the percent of total heat input derived from liquid fossil fuel; and

z is the percent of total heat input derived from solid fossil fuel.

FEDERALLY PROMULGATED

REGULATIONS

(6.0) 52.476 Federal compliance schedules.

(a)

(b) (1) The owner or operator of any boiler or furnace of more than 250 B.T.U. per hour heat input subject to the requirements of section 8-2:705 of the Air Quality Control Regulations of the District of Columbia shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph who elects low-sulfur fuel and the owner or operator of any boiler or furnace of more than 250 million B.T.U. per hour heat input subject to the requirements of section 8-2:704 of the Air Quality Control Regulations of the District of Columbia shall be subject to the following compliance schedule:

(i) November 1, 1973 - Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with sections 8-2:704 and 8-2:705 of the Air Quality Control Regulations of the District of Columbia on July 1, 1975, and for at least one year thereafter.

(ii) December 31, 1973 - Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974 - Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974 - Let contracts for necessary boiler modifications, if applicable.

(v) May 15, 1974 - Initiate onsite construction, if applicable.

(vi) March 1, 1975 - Complete onsite construction, if applicable.

(vii) March 31, 1977 - Final compliance with the low-sulfur fuel requirements of either section 8-2:704 or 8-2:705 of the Air Quality Control Regulations of the District of Columbia.

(3) Any owner or operator of a stationary source subject to subparagraph (2) of this paragraph who elects stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973 - Let necessary contracts for construction.

(ii) March 1, 1974 - Initiate onsite construction.

(iii) March 1, 1975 - Complete onsite construction.

(iv) March 31, 1977 - Final compliance with the requirements of section 8-2:705 of the Air Quality Control Regulations of the District of Columbia.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by March 31, 1977. Ten days prior to the test, a notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) Any owner or operator subject to the compliance schedule in either subparagraph (b)(2) or (3) of this section shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(5) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to the compliance schedule in either paragraphs (b)(2) or (3) of this section may submit to the Administrator, no later than thirty days after the effective date of this paragraph a proposed alternative compliance schedule. No such final compliance schedule may provide for final compliance after March 31, 1977. If promulgated by the Administrator, such schedule shall satisfy the requirement of this paragraph for the affected source.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) or (3) of this paragraph fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(c) With respect to transportation control strategies submitted by the District of Columbia, the requirements of § 51.15 are not fully

met for the measures for parking surcharge, elimination of free on-street commuter parking, elimination of free employee parking, increased bus fleet and service, and exclusive bus lanes. Provisions to implement the requirements of § 51.15 are promulgated in this section.

(d) With respect to the parking surcharge measure approved in § 52.472:

(1) The District of Columbia shall no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas within the District of Columbia which are at that time adequately served by mass transit, and those areas which in the judgment of the District of Columbia will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(2) The District of Columbia shall by June 30, 1975, and each succeeding year submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the District of Columbia can affirmatively demonstrate that no additional areas can be included.

(e) With respect to the measure for elimination of free on-street commuter parking approved in § 52.427:

(1) The District of Columbia shall, no later than June 30, 1974, submit to the Administrator for his approval a compliance schedule, including legally adopted regulations, enforcement procedures, and a description of resources available. The compliance schedule shall provide:

(i) For implementing the on-street commuter parking ban program in all areas within which a surcharge will be required by paragraph (d) of this section. The program shall prohibit all parking for more than two hours by non-residents of the area subject to the ban during the hours from 7 p.m., Monday through Friday (excepting holidays) on any street within such areas. The program shall also provide for a sticker system, under which residents of such an area may be exempted from the ban, and for a system (whether by notification of the enforcement authorities, or otherwise) for also exempting bona fide visitors to residents of such areas from the ban.

(ii) The precise resources that will be devoted to enforcing this measure, the method of enforcement to be used (for example, chalking tires), and the penalties for violation. The compliance schedule shall at a minimum provide that violators shall be subject to a $10.00 fine.

(10.0) 52.478 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(9.0) 52.479 Source surveillance.

(a) The requirements of § 51.19(d) of this chapter are not met because the plan does not include adequate procedures for determining emission reductions achieved from any of the proposed transportation control measures.

(b) The requirements of § 51.19(d) are not met with respect to the strategies for parking surcharge, car pool locator, vehicle inspection, express bus lanes, increased bus fleet and service, elimination of free on-street parking, and elimination of free parking by employers.

(c) Monitoring transportation trends.

(1) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(2) In order to assure the effectiveness of the inspection and maintenance program approved in § 52.472 and the retrofit devices required pursuant to §§ 52.490, 52.492, 52.494, 52.495, and 52.496, the State shall monitor the actual per vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the parking surcharge, car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street community parking and elimination of free parking by employers, the District of Columbia shall monitor vehicle miles traveled and average vehicle speeds for each area in which such measures are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the District of Columbia in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

(4) No later than March 1, 1974, the District of Columbia shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

TABLE 1

Time period.....
Affected area.....

Roadway type	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type(2)[1]
Freeway.....		
Arterial.....		
Collector.....		
Local.....		

[1]Continue with other vehicle types as appropriate.

(ii) The administrative procedures to be used.

(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data applies; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

(12.0) 52.488 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate AQCR.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section may consist of vapor-tight return line from the fill nozzle-filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(e) Components of the systems required by § 52.487 may be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (c) of this section.

(g) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule.

(1) January 1, 1975 - Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) March 1, 1975 - Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) May 1, 1975 - Initiate on-site construction or installation of emission control equipment.

(4) May 1, 1977 - Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1977 - Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 1, 1975. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(i) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

(j) Any gasoline dispensing facility subject to this section which installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977, and prior to that date shall comply with paragraph (g) of this section as far as possible. Any facility subject to this section which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

NOTE: The compliance dates given in paragraphs (g) (1)-(3) were suspended indefinitely at 40 FR 1127, Jan. 6, 1975.

(12.0) 52.490 Inspection and maintenance program.

(a) Definition:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use vehicles through identifying vehicles that need emission control-related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb. gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb. GVW and less than 10,000 lb. GVW.

(4) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb. GVW or more.

(5) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with the meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) In connection with the light duty vehicle inspection and maintenance program for the District of Columbia approved by the Administrator pursuant to § 52.472 the District shall establish an inspection and maintenance program applicable to all medium duty and heavy duty vehicles registered in the District that operate on public streets or highways over which it has ownership or control. The District may exempt any class or category of vehicles that the District finds is rarely used on public streets or highways (such as classic or antique vehicles). Under the program, the District shall:

(1) Inspect all medium-duty and heavy-duty motor vehicles at periodic intervals not more than 1 year apart.

(2) Use inspection failure criteria consistent emission reductions claimed in the plan for the strategy.

(3) Ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards, and retest failed vehicles following maintenance.

(4) [Reserved]

(5) Begin the first inspection cycle by January 1, 1975, completing it by January 1, 1976.

(6) Designate an agency or agencies responsible for conducting the inspection and maintenance program.

(d) After January 1, 1976, the District shall not register or allow to operate on public streets or highways any medium-duty or heavy-duty vehicle that does not comply with the applicable requirements of the program established under paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After January 1, 1976, no owner of a medium-duty or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable requirements of the program established under paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The District shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish an inspection and maintenance program pursuant to paragraph (c) of this section.

(12.0) 52.491 Bicycle lanes and bicycle storage facilities.

(a) Definitions:

(1) "Bicycle" means a two-wheel nonmotor powered vehicle.

(2) "Bicycle lane" means a route for the exclusive use of bicycles, either constructed specifically for that purpose or converted from an existing lane.

(3) "Bicycle parking facility" mears any storage facility for bicycles, which allows bicycles to be locked securely.

(4) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.

(5) "Parking facility" means a lot, garage, building, or portion thereof, in or on which motor vehicles are temporarily parked.

(b) This section shall be applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c) On or before July 1, 1976, the District of Columbia shall establish a network of bicycle lanes linking residential areas with employment, educational, and commercial centers in accordance with the following requirements:

(1) The network shall contain no less than 60 miles of bicycle lanes in addition to any in existence as of November 20, 1973.

(2) Each bicycle lane shall at a minimum:

(i) Be clearly marked by signs indicating that the lane is for the exclusive use of bicycles (and pedestrians, if necessary);

(ii) Be separated from motor vehicle traffic by appropriate devices, such as physical barriers, pylons, or painted lines;

(iii) Be regularly maintained and repaired;

(iv) Be of a hard, smooth surface suitable for bicycles;

(v) Be at least 5 feet wide for one-way traffic, or 8 feet wide for two-way traffic;

(vi) If in a street used by motor vehicles, be a minimum of 8 feet wide whether one-way or two-way; and

(vii) Be adequately lighted.

(3) Off-street bicycle lanes which are not reasonably suited for commuting to and from employment, educational, and commercial centers shall not be considered a part of this network.

(4) On or before October 1, 1974, the District of Columbia shall establish 25 percent of the total mileage of the bicycle lane network; on or before June 1, 1975, 50 percent of the total mileage shall be established; on or before July 1, 1976, 100 percent of the total mileage shall be established.

(d) On or before June 1, 1974, the District of Columbia shall submit to the Administrator a comprehensive study of a bicycle lane and bicycle path network. The study shall include, but not be limited to the following:

(1) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, and distance of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the number of employees who would convert to the bicycle mode from other modes upon completion of the bicycle lane network described in paragraph (c) of this section.

(2) A determination of the feasibility and location of on-street bicycle lanes.

(3) A determination of the feasibility and location of off-street lanes.

(4) A determination of the special problems related to feeder lanes to bridges, on-bridge lanes, feeder lanes to METRO

and railroad stations, and feeder lanes to fringe parking areas, and the means necessary to include such lanes in the bicycle lane network described in paragraph (c) of this section.

(5) A determination of the feasibility and location of various methods of safe bicycle parking.

(6) The study shall make provision for the receipt of public comments on any matter within the scope of the study, including the location of the bicycle lane network described in paragraph (c) of this section.

(e) By June 1, 1974, in addition to the comprehensive study required pursuant to paragraph (d) of this section, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish this network pursuant to paragraphs (c) and (h) of this section. The compliance schedule shall identify in detail the names of streets that will provide bicycle lanes and the location of any lanes to be constructed especially for bicycle use. It shall also include a statement indicating the source amount, and adequacy of funds to be used in implementing this section, and the text of any needed statutory proposals and needed regulations which will be proposed for adoption.

(f) On or before October 1, 1974, the District of Columbia shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(g) On or before May 1, 1974, the District of Columbia shall establish a pilot bicycle lane from Key Bridge via Pennsylvania Avenue past the White House to the U.S. Capitol and from the Capitol along Pennsylvania Avenue to Alabama Avenue SE.

(h) On or before June 1, 1975, the District of Columbia shall require all owners and operators of parking facilities containing more than 50 parking spaces (including both free and commercial facilities) within the area specified in paragraph (b) of this section to provide spaces for the storage of bicycles in the following ratio: one automobile-sized parking space (with a bicycle parking facility) for the storage of bicycles for every 75 parking spaces for the storage of autos. The District shall also require that:

(1) Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. They shall be properly repaired and maintained.

(2) The METRO Subway System shall provide a sufficient number of safe and secure bicycle parking facilities at each station to meet the needs of its riders.

(3) All parking facilities owned, operated, or leased by the Federal Government shall be subject to this paragraph.

(4) Any owner or operator of a parking facility which charges a fee for the storage of motor vehicles shall store bicycles at a price per unit per hour which is no greater in relation to the cost of storing them than is the price of parking for a motor vehicle in relation to the cost of storing it. Unless the owner or operator makes an affirmative showing to the District of Columbia of different facts, and agrees to charge in conformity with that showing, the ratio in costs and prices shall be determined by the maximum number of bicycles that can be stored in a single standard-sized automobile parking space.

[38 FR 33713, December 6, 1973]

(12.0) 52.492 Medium duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1973 and earlier medium-duty vehicles of at least 15 and 30 percent, respectively.

(2) "Medium-duty vehicle" means a gasoline powered motor vehicle rated at more than 6,000 lb. GVW and less than 10,000 lb. GVW.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1976, all medium-duty vehicles of model years prior to 1973 which are not required to be retrofitted with an oxidizing catalyst or other approved device pursuant to § 52.495 which are registered in the area specified in paragraph (b) of this section are equipped with an appropriate air/fuel control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than February 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a

date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(4) A provision that no later than May 31, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.490 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emission testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1976, the District shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implemented by this section.

(g) The District may exempt any class or category of vehicles from this section which the District finds is rarely used on public

streets and highways (such as classic or antique vehicles) or for which the District demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

(12.0) 52.493 Management of parking supply.

(a) Definitions:

All terms used in this section but not specifically defined below shall have the meaning given them in Part 51 of this Chapter and this Part 52.

(1) "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(2) "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, a building or structure, or portion thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(5) "Commence" means to undertake a continuous program of onsite construction or modification.

(b) This regulation is applicable in the District of Columbia.

(c) The requirements of this section are applicable to the following parking facilities in the areas specified in paragraph (b) of this section, the construction or modification of which is commenced after January 1, 1975.

(1) Any new parking facility with parking capacity for 250 or more motor vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 250 or more motor vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under this section, but which, when all such increments occurring since January 1, 1975, are added together, as a total would subject the facility to review under this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided, that this paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before January 1, 1975.

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or agency approved by him that:

(1) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan, and will be consistent with the plan's VMT reduction goals.

(2) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application.

(f) All applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities which it serves.

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(6) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(7) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

(8) An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

(9) An estimate of the effect of the facility on traffic pattern and flow.

(10) An estimate of the effect of the facility on total VMT for the air quality control region.

(11) An analysis of the effect of the facility on site and regional air quality, including a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(12) Additional information, plans, specifications, or documents required by the Administrator.

(g) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with the design submitted in the application and with applicable rules, regulations, and permit conditions.

(h) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the Region affected, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(1) The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the affected air quality region.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

NOTE: The provisions of § 52.493 were suspended indefinitely at 40 FR 29714, July 15, 1975.

(12.0) 52.494 Heavy duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction

in exhaust emissions of hydrocarbon and carbon monoxide from heavy-duty vehicles of at least 30 and 40 percent, respectively.

(2) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb. gross vehicle weight (GVW) or more.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy-duty vehicles registered in the area specified in paragraph (b) of this section are equipped with an appropriate air/fuel control device, or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than April 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.490 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the District shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The District may exempt any class or category of vehicles from this section which the District finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the District demonstrates to the Administrator that air/fuel control or other devices approved pursuant to this section are not commercially available.

(12.0) 52.495 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle (and if necessary includes an air pump) so as to achieve a reduction in exhaust emissions of hydrocarbon and carbon monoxide of at least 50 and 50 percent, respectively, from light-duty vehicles of 1971 through 1975 model years, and of at least 50 and 50 percent respectively, from medium duty vehicles of 1971 through 1975 model years.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb. gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb. GVW and less than 10,000 lb. GVW.

(4) "Fleet vehicle" means any of 5 or more light-duty vehicles operated by the same person(s), business, or governmental entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light-duty vehicle-for-hire) owned by any individual or business.

(5) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1977, all light-duty fleet vehicles of model years 1971 through 1975 and all medium-duty vehicles of model years 1971 through 1975 which are registered in the area specified in paragraph (b) of this section and are able to operate on 91RON gasoline are equipped with an appropriate oxidizing catalyst retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbon and carbon monoxide to the same extent as an oxidizing catalyst retrofit device. No later than April 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program.

The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by §§ 52.472 and 52.490 unless it has been first equipped with an approved oxidizing catalyst device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to

perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the District shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) Any vehicle which is manufactured equipped with an oxidizing catalyst, or which is certified to meet the original 1975 duty vehicle emissions standards set forth in section 202(b)(1)(a) of the Clean Air Act of 1970 (without regard to any suspension of such standards), shall be exempt from the requirements of this section.

(12.0) 52.496 Vacuum spark advance disconnect retrofit.

(a) Definitions:

(1) "Vacuum spark advance disconnect retrofit" means a device or system installed on a motor vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is traveling below a predetermined speed, so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1967 and earlier light-duty vehicles of at least 25 and 9 percent, respectively.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb. gross weight (GVW) or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before January 1, 1976, all light-duty vehicles of model years prior to 1968 registered in the area specified in paragraph (b) of this section are equipped with an appropriate

vacuum spark advance disconnect retrofit. No later than February 1, 1974, the District shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than January 1, 1976.

(4) A provision that starting no later than January 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.472 unless it has been first equipped with an approved vacuum spark advance disconnect retrofit device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation, or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1976, the District shall not register or allow to operate on its streets or highways any light-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After January 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The District may exempt any class or category of vehicles from this section which the District finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that vacuum spark advance disconnect devices or other devices approved pursuant to this section are not commercially available.

(17.0) 52.499 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

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